

**DECISION****THE COMPTROLLER GENERAL  
OF THE UNITED STATES**

WASHINGTON, D.C. 20548

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**FILE:**

B-210184

**DATE:** January 10, 1983**MATTER OF:**

Williams Electric Co., Inc.

**DIGEST:**

Protest concerning bidder's ability to meet contractual requirement is not for consideration as GAO will not review affirmative determination of responsibility in absence of allegation of fraud or misapplication of definitive responsibility criteria in solicitation.

Williams Electric Co., Inc. protests the proposed award of a contract to Pearce-Trawick, Inc. under invitation for bids No. N62467-80-B-0731 issued by the U.S. Navy. Williams states that the IFB requires 30 percent of the specified work to be performed by the prime contractor and that approximately 95 percent of the work to be done is of an electrical and/or mechanical nature. The protester alleges that Pearce-Trawick is a general contractor not capable of doing electrical or mechanical work and therefore cannot satisfy this IFB requirement.

The protester's allegation does not concern Pearce-Trawick's promise to perform the exact work called for in the solicitation, which would be a matter of responsiveness, because Williams does not allege that the firm did not promise to do the work called for. Instead, Williams alleges that Pearce-Trawick is not capable of actually doing the work itself as required by the IFB. Whether Pearce-Trawick has the ability to perform the contract in accordance with its terms is a matter of the firm's responsibility, which must be determined prior to award. Our Office does not review protests against affirmative determinations of responsibility unless either fraud on the part of the procuring officials is alleged or the solicitation

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contains definitive responsibility criteria which allegedly have been misapplied. Hybrid Abstracts, B-207083, May 24, 1982, 82-1 CPD 488. Neither is the case here.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel